

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No.: 2:17-cv-00214-JAD-GWF

4 The Bank of New York Mellon fka the Bank of
5 New York, as Trustee for the Certificateholders
6 of CWMBS, Inc., CHL Mortgage Pass-through
Trust 2005-HYB4, Mortgage Pass-through
Certificates, Series 2005-HYB4,

7 Plaintiff

8 v.

9 Sunrise Ridge Master Homeowners Association,
10 et al.,

11 Defendants

**Order Denying Motions
for Summary Judgment
without Prejudice and
Directing Rebriefing**

[ECF Nos. 47, 53, 67]

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13 The Bank of New York Mellon sues for a declaration that its deed of trust securing the
14 mortgage on the home at 3557 Chelsea Grove Street in Las Vegas, Nevada, was not extinguished
15 by the Sunrise Ridge Master Homeowners Association's non-judicial foreclosure sale to SFR
16 Investments Pool 1, LLC. Both the Bank and SFR moved for summary judgment in June. After
17 those motions were filed, the Nevada Supreme Court issued two important decisions in this area
18 of Nevada law: *Bank of America v. SFR Investments Pool 1, LLC*,¹ and *SFR Investments Pool 1,
19 LLC v. Bank of New York Mellon*.² Because these cases may materially impact the issues raised
20 in the pending motions for summary judgment, to promote judicial efficiency and ensure that this
21 matter is decided based on the most updated authority available,

22 IT IS HEREBY ORDERED that the pending motions for summary judgment [ECF Nos.
23 47, 53] are **DENIED** without prejudice to their refiling no later than October 15, 2018.

24 IT IS FURTHER ORDERED that, **before the parties may file those revised motions,**
25 **they must meet and confer** as defined by Local Rule IA 1-3(f) about each argument contained
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27 ¹ 134 Nev. Adv. Op. 72 (Sept. 13, 2018).

28 ² 422 P.3d 1248 (Aug. 2, 2018).

1 in the revised motion. **The new motions for summary judgment must be accompanied by a**
2 **declaration** by movant's counsel that sets forth the details and results of the meet-and-confer
3 conference and that certifies that, despite good faith efforts, the issues could not be resolved. If
4 new motions are filed, briefing will proceed under the schedule prescribed by Local Rule 7-2.

5 IT IS FURTHER ORDERED that the Plaintiff's Motion for Leave to File Supplemental
6 Authority [ECF No. 67] is **DENIED** as moot.

7 Dated: September 14, 2018

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10 U.S. District Judge Jennifer A. Dorsey
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